

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TIMOTHY L. BLIXSETH,

Plaintiff,

v.

BRIAN GLASSER, AS TRUSTEE OF
THE YELLOWSTONE LIQUIDATING
TRUST,

Defendant.

(Original Case)

Case No. 2:13-cv-01434-APG-GWF
(Consolidated with 2:13-cv-01737-APG-GWF)

**ORDER REGARDING DEFENDANT'S
MOTION FOR RELIEF FROM ORDER,
AND AMENDING THE DECEMBER 16,
2013 ORDER**

[Dkt. ##46, 47]

BRIAN GLASSER, AS TRUSTEE OF
THE YELLOWSTONE CLUB
LIQUIDATING TRUST,

Plaintiff,

v.

TIMOTHY L. BLIXSETH,

Defendant.

(Consolidated case)

Currently before the Court is Defendant's Motion for Relief from Order. [Dkt. #47.]

Defendant initiated Case No. 13-cv-1434 in order to register in this district the judgment it had obtained in the United States Bankruptcy Court for the District of Montana. Subsequently, Case No. 13-cv-1737 was consolidated into that case. On December 16, 2013, this Court entered an

1 Order ruling that Defendant failed to comply with 28 U.S.C. § 1963 (the “Registration Statute”),
2 and, therefore, the Court did not have jurisdiction over this matter. [Dkt. #46.] Defendant
3 correctly points out in its Motion for Relief that the infirmities related to the Registration Statute
4 are unrelated to the claims originally asserted in Case No. 13-cv-1737. Therefore, the Court
5 improperly dismissed the portion of the consolidated case related to Case No. 13-cv-1737. The
6 Court will reinstate those claims.
7

8 However, because the Court never had jurisdiction over Case No. 13-cv-1434, the claims
9 originally asserted in that case were void *ab initio* and cannot be revived by an after-the-fact
10 compliance with the Registration Statute. If Defendant wishes to register the Montana Judgment
11 in this district based upon the newly-issued Order from the Montana Bankruptcy Court, it must
12 initiate a new action to do so, as it attempted to do originally in Case No. 13-cv-1434.

13 Accordingly,

14 **IT IS HEREBY ORDERED** that Defendant’s Motion for Relief from Order [Dkt. #47] is
15 **GRANTED IN PART** and **DENIED IN PART**. The Court’s December 16, 2013 Order
16 Denying Cross-Motions for Summary Judgment is amended to clarify that only the claims
17 originally asserted in Case No. 13-cv-1434 are dismissed without prejudice. The portion of that
18 case that was originally filed under Case No. 13-cv-1737 should not have been dismissed, and it
19 is hereby reinstated. Case No. 13-cv-1434 will remain open, but only with regard to the claims
20 originally filed in Case No. 13-cv-1737. In addition, the portion of the December 16 Order
21 denying the Motions for Summary Judgment [Dkt. #46 at 8:10-12] is rescinded.
22

23 DATED this 19th day of December, 2013.
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27 ANDREW P. GORDON
28 UNITED STATES DISTRICT JUDGE